

REMARKS

This responds to the Office Action mailed on January 3, 2007.

Claims 1, 12, 13, 15 and 24 are amended, no claims are canceled or added; as a result, claims 1-24 remain pending in this application. The amendments correct minor typographical errors and are not in response to an art based rejection or other reason related to patentability.

Drawing Objections

Fig. 5B of the drawings was objected to as failing to comply with 37 C.F.R. 1.84(p)(4) because reference character “502” had been used to designate both “Time Service ” and “Auth Database”. Applicant is submitting with this response corrected drawings in which the reference number for the “Auth Database” has been changed from “502” to “504”.

Fig. 6B of the drawings was objected to as failing to comply with 37 C.F.R. 1.84(p)(5) because reference character “603” was not mentioned in the description. Applicant has amended the paragraph beginning on page 21, line 15 such that the reference number “603” is now included in the specification.

In view of the amendments to the drawings and the specification, Applicant respectfully requests reconsideration and the removal of the objection to the drawings.

Specification Objections

The specification was objected to for various informalities. Applicant has amended the specification as suggested in the Office Action. Additionally, Applicant has amended the specification to correspond with the change in reference numbers from 502 to 504 for “Auth Database”. Applicant respectfully requests reconsideration and the removal of the objection to the specification.

Claim Objections

Claim 15 was objected to for informalities. Applicant has amended claim 15 to remove an superfluous “between” to clarify that requests for time services may come from either or both of gaming machines or other service providers on a gaming network. Applicant respectfully requests reconsideration and the removal of the objection to claim 15.

§112 Rejection of the Claims

Claims 1, 13, 15 and 24 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

Applicant has amended claims 1 and 15 to replace “the availability” with “an availability.”

Claim 13 has been amended to depend from claim 12, thereby providing antecedent basis for the term “service provider”.

Claim 24 has been amended such that the final “service” has been amended to “time service”, which has correct antecedent basis.

In view of the amendments above, Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 13, 15 and 24.

§103 Rejection of the Claims

Claims 1-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gatto et al. (U.S. 6,916,247) in view of Abrams, Jr. et al. (U.S. Publication No. 2003/0208638). In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)). Applicant respectfully traverses the rejection because the claims contain elements not found in the combination of Gatto and Abrams. Additionally, no proper motivation to combine the references has been provided, nor does a motivation to combine the references exist.

An example of an element not found in the combination of Gatto and Abrams is found in independent claims 1 and 15, which recite publishing “an availability of the time service on the gaming network.” The Office Action correctly states that Gatto does not disclose publishing a

time service. However, the Office Action attempts to make up for the deficiency in Gatto by stating that Abrams, at paragraph 152 discloses a time service. While Abrams does disclose that a system may obtain a time from a server on the Internet, Abrams does not disclose providing a time service on a gaming network. As a result, the combination of Gatto and Abrams fails to teach or suggest providing a time service on a gaming network.

Further, the process described in Gatto is not the same as in Applicants claims 1 and 15. In Applicants claims, the service publishes its availability and clients can then discover the service. In Gatto, the process is precisely the opposite. As disclosed in Gatto, the specialized device broadcasts its availability and a service registers with the device, specifying the events the service is interested in (see Gatto at column 14, lines 17-20). Thus the client devices broadcast their availability, not services as recited in Applicant's claims 1 and 15.

In view of the above, the combination of Gatto and Abrams fails to teach or suggest each and every element of Applicant's claims 1 and 15. As a result, claims 1 and 15 are not obvious in view of the combination of Gatto and Abrams. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1 and 15.

Claims 2-14 depend from claim 1 and claims 16-24 depend from claim 15. These dependent claims are patentable over Gatto and Abrams for the reasons argued above, and are also patentable in view of the additional elements which they provide to the patentable combination. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. MPEP § 2143.03. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 2-14 and 16-24.

Even if Gatto and Abrams taught each element (which is not admitted), the Office Action fails to provide a proper motivation to combine the references. The Office Action must provide specific, objective evidence of record for a finding of a suggestion or motivation to combine reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. *In re Sang Su Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). The Office Action merely stated "it would have been obvious to one skilled in the art at the time the invention was made to integrate Abrams' time service into Gatto's game system to create a more reliable network gaming system," which is a mere conclusory statement of subjective belief. The

statement in the Office Action makes no reference to any evidence of record, and no explanation is provided as to how a time service makes a gaming network more reliable. In view of the above, Applicant respectfully submits that the Office Action has not provided objective evidence of record for a suggestion or motivation to combine the references.

Furthermore, a factor cutting against a finding of motivation to combine or modify the prior art is when the prior art teaches away from the claimed combination. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path the applicant took. *In re Gurley*, 27 F.3d 551, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994); *United States v. Adams*, 383 U.S. 39, 52, 148 USPQ 479, 484 (1966); *In re Sponnoble*, 405 F.2d 578, 587, 160 USPQ 237, 244 (C.C.P.A. 1969); *In re Caldwell*, 319 F.2d 254, 256, 138 USPQ 243, 245 (C.C.P.A. 1963). Here, Gatto teaches away from the path provided in Applicant's claims. As discussed above, in Gatto, client devices broadcast their availability, and services then register with the client device. This is in fact opposite from Applicant's claims in which a service (e.g., the time service) broadcasts its availability and clients discover and contact the service. As a result Gatto teaches away from Applicant's claims.

For the reasons discussed above, the combination of Gatto and Abrams fails to teach or suggest each and every element of Applicant's claims 1-24, and further no motivation to combine the references exists. Therefore no *prima facie* case of obviousness exists with respect to claims 1-24 and the combination of Gatto and Abrams. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1-24.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference.

Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

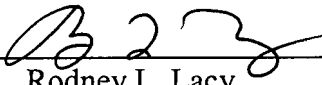
Respectfully submitted,

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Date May 3, 2007

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3 day of May, 2007.

Peter Rebuffoni
Name


Signature

IN THE DRAWINGS

Corrected drawings are supplied herewith.

Enclosed is a Replacement Sheet showing the following amendment to Figure 5B. The reference number for the element “Auth Database” has been changed to “504” from “502” such that reference number “502” is no longer duplicated in the drawing.